



Practitioner's Docket No. M297.12-0148

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Scott R. Rossow et al.  
 Application No.: 09 /495,729 Group No.: 2786  
 Filed: February 1, 2000 Examiner:  
 For: IMPROVED ATTACHMENT CONTROL DEVICE

Box DAC

Assistant Commissioner for Patents  
 Washington, D.C. 20231

ATTENTION: Petition Information  
 Crystal Park One, Suite 520  
 (M.P.E.P. § 1002.02(b), 7th ed.)

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OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION  
 FOR PATENT ABANDONED UNINTENTIONALLY UNDER  
 37 C.F.R. § 1.137(b)**

NOTE: "In a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995, any petition to revive pursuant to this section must be accompanied by a terminal disclaimer and fee as set forth in § 1.321 dedicating to the public a terminal part of the term of any patent granted thereon equivalent to the period of abandonment of the application. Any terminal disclaimer pursuant to this paragraph must also apply to any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the application for which revival is sought. The provisions of this paragraph do not apply to lapsed patents." 37 C.F.R. § 1.137(c).

NOTE: In accordance with the Notice of November 5, 1990 (1121 O.G. 6), an application abandoned under 37 C.F.R. § 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may be revived under the procedure of 37 C.F.R. § 1.137(b).

1. This application became abandoned on September 30, 2000

NOTE: Extensions under 37 C.F.R. § 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of § 1.136 can no longer be used, then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival. Thus: An application which is abandoned for failure to respond within a set period with no extension fee having been paid, would not require the payment of extension fees as a condition for revival. M.P.E.P. § 711.03(c), 6th ed., rev. 2.

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 11-19-1

Signature

Joseph R. Kelly  
 (type or print name of person certifying)

(Petition for Revival of Unintentionally Abandoned Application [11-3]—page 3)

02/06/2002 AKELLEY 00000006 231123 09495729

01 FC:141 40.00 CH 1240.00 OP  
 02 FC:105 130.00 CH

Adjustment date: 02/06/2002 AKELLEY  
 01/09/2002 CHNGUYEN 00000023 09495729  
 01 FC:197 -1240.00 OP

01/09/2002 CHNGUYEN 00000023 09495729

01 FC:197 1240.00 OP

2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. § 1.137(b)(3).

3. Response or action required

☐ has been filed.

☒ is attached.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. 1.137. To facilitate processing in such a case, the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, (1031 O.G. 11-12). See also M.P.E.P. § 711.03(c), 6th ed., rev. 2. "In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof." 37 C.F.R. § 1.137(b)(1).

☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

Application status is:

☐ Small business entity—fee \$620.00

☐ A statement is attached.

☐ A statement was filed.

☒ Other than small entity—fee \$1,240.00

5. Payment of fee

☐ Authorization is hereby made to charge the amount of

☐ \$620.00. ☒ \$1,240.00.

☐ to Deposit Account No. \_\_\_\_\_

☐ to Credit Card as shown on the attached credit information authorization form PTO-2038.

A duplicate of this petition is attached.

WARNING: Credit card information should not be included on this form as it may become public.

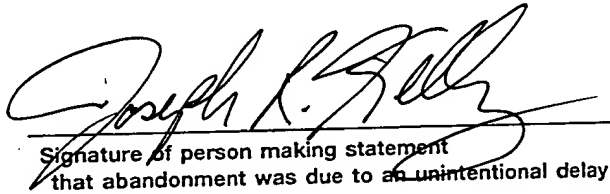
X Check enclosed for \$1,240.00

(Petition for Revival of Unintentionally Abandoned Application [11-3]—page 2 of 3)

(complete the following, if applicable)

- ☒ Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. § 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).
- ☒ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: 11-19-1

  
Signature of person making statement  
that abandonment was due to an unintentional delay

Joseph R. Kelly  
(type or print name of person making statement)

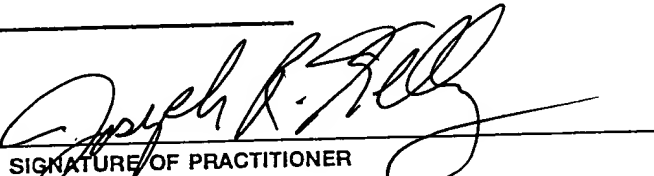
1085 Holly Lane  
Residence of person making statement

Chanhassen, Minnesota

Reg. No.: 34,847

Tel. No.: ( 612 ) 334-3222

Customer No.: M297.12-0148

  
SIGNATURE OF PRACTITIONER

Joseph R. Kelly  
(type or print name of practitioner)

900 Second Avenue South  
1600 International Centre  
P.O. Address

Minneapolis, MN 55402

(Petition for Revival of Unintentionally Abandoned Application [11-3]—page 3 of 3)

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